

Commission action under Section 1.41 of the Commission's Rules. KSDK, Inc., 93 FCC 2d 83, 53 RR 2d 283 (1983).

5. KTSC is licensed to USC to operate on reserved noncommercial Channel 8 in Pueblo, Colorado. KOAA-TV is licensed to Sangre de Cristo Communications, Inc., to operate as a commercial station on channel 5 in Pueblo, Colorado.

6. On January 22, 1990, USC filed the above-captioned Form 340 application for modification of facilities. USC requested modification of its licensed facilities to allow it to move its transmitter and antenna from a site on Baculite Mesa to a site on Cheyenne Mountain. In support of its application, KTSC asserted that:

Location of KTSC at the Cheyenne Mountain antenna farm will result in dramatically improved signal quality for the viewing public over much of the Colorado Springs-Pueblo ADI.

USC Form 340 Application at Exhibit 7, p.2.

7. USC added:

The total population receiving service from the proposed KTSC [facilities] within the Grade B contour will be significantly increased, thereby improving service to the public.

Id.

8. On February 26, 1990, the Association of Maximum Service Telecasters, Inc. ("MST") filed an Opposition to the USC application. In its Opposition, MST pointed out that the proposed KTSC site on Cheyenne Mountain is short-spaced to an existing co-channel station, KJCT, Grand Junction, Colorado and also short-

spaced to a vacant co-channel allotment at Laramie, Wyoming. MST Opposition at 1.

9. In response to the MST Opposition, on March 8, 1990, USC submitted an Amendment to its application. In the Amendment, USC asserted that:

the signal of Station KTSC-TV, with its present authorized facilities, partly because of the nature of the intervening terrain, is clearly inadequate to serve Colorado Springs.

USC Amendment at 2, attached hereto as Exhibit 1.

10. USC went on to describe its current transmitter site on Baculite Mesa, stating:

this site does not allow sufficient signal penetration to provide adequate signal to the Colorado Springs market. Both Station KOAA-TV, Channel 5, and Station KTSC-TV share this site. Both KOAA-TV and KTSC-TV have had to operate translator stations from Cheyenne Mountain to serve the Colorado Springs market.

Exhibit 1, USC Amendment at 2.

11. USC added that the Cheyenne Mountain site is "the only adequate site in the area" and that "it is the only site that will provide the needed location." Exhibit 1, USC Amendment at 2.

12. On February 28, 1991, the Chief, Video Services Division ("Staff") sent a letter to USC approving its application. In the letter, the Staff stated that:

After careful review of your application, we are persuaded that grant of your waiver requests would serve the public interest. The Commission is mindful of the unique role played by many noncommercial television stations in providing public television service to wide areas. You have established that the University serves both the Pueblo and Colorado Springs areas and that it is therefore important that your television station do so as well.

Letter from Chief, Video Services Division to Thomas Aube of USC, February 28, 1991, attached as Exhibit 2 (emphasis added).

13. On September 3, 1992, USC issued a press release announcing that it has "agreed to exchange channels" with KOAA-TV. USC Press Release, attached as Exhibit 3.

14. On September 8, 1992, the Commission issued a Public Notice announcing the grant of the USC application. Public Notice, No. 24700, September 8, 1992 at 1, attached as Exhibit 4.

15. On October 8, 1992, KKTv filed a Petition for Reconsideration of the September 8, 1992, Public Notice which announced the grant of the above-captioned application. On October 5, 1992, Pikes Peak Broadcasting Company, licensee of television station KRDO-TV, Colorado Springs, Colorado ("KRDO-TV"), also filed a Petition for Reconsideration. On November 4, 1992, the Chief, Television Branch sent a letter to KKTv and KRDO-TV advising the parties that the September 8, 1992 Public Notice was "an error" and that the timeliness of the Petitions for Reconsideration was to be determined based upon an earlier Public Notice issued by the Commission on March 7, 1991. The Staff dismissed the KKTv and KRDO-TV Petitions as untimely filed.<sup>1</sup>

---

<sup>1</sup>To the extent the Commission may deem it necessary, KKTv requests that this Petition also be treated as a Petition for Reconsideration of the Staff's determination that KKTv's earlier Petition for Reconsideration was untimely.

### III. THE USC CONSTRUCTION PERMIT SHOULD BE REVOKED

16. The Staff's approval of the KTSC modification application allows USC to move KTSC's antenna from a fully-spaced site to a short-spaced site. This modification was approved over the objection of MST which pointed out the significant amount of short-spacing involved. MST Opposition at 1. Specifically, as noted by the Staff in approving the application, at the Cheyenne Mountain site the KTSC transmitting facilities proposed by USC will be short-spaced 8.8 kilometers (5.5 miles) to KJCT in Grand Junction and short-spaced 13.0 kilometers (8.1 miles) to the Laramie allocation. Exhibit 2, February 28, 1991 Staff letter at 2. The Staff made it clear in approving this modification application that it granted a waiver of the short-spacing requirement because USC asserted that the short-spaced station would be operated as a noncommercial station and that the increased coverage would aid USC in serving the public in the Colorado Springs area. Exhibit 2, February 28, 1991 Staff letter at 2.

17. However, on September 3, 1992, USC suddenly announced that it has no plans to operate the station on Channel 8 from its new site on Cheyenne Mountain as a noncommercial station. Exhibit 3, USC Press Release at 1-2. If the station will not be operated on channel 8 as a noncommercial station, the entire basis for allowing a new short-spacing to be created, i.e., the operation of KTSC as a non-commercial station, is eliminated. The sole beneficiary of the waiver of the short-spacing rule will not be noncommercial station KTSC, but commercial station KOAA-TV. Thus,

the Commission should issue an Order to Show Cause directing USC to explain why the construction permit for Cheyenne Mountain should not be revoked.

18. Revocation of the grant for Cheyenne Mountain is particularly necessary here because of KOAA-TV's history of seeking waivers of the Commission's rules to increase its coverage of Colorado Springs. On February 26, 1988, KOAA-TV filed a request with the Commission seeking to receive an assignment of the construction permit for unbuilt station KPCS(TV), Channel 32, another Pueblo station. KOAA-TV attempted to obtain a waiver of the Commission's "duopoly rule," Section 73.3555, to operate KPCS essentially as a full power translator for KOAA-TV, covering the Colorado Springs area, even though the station is licensed to Pueblo. File No. BAPCT-880226KH, KPCS/KOAA-TV Form 314 Application, February 26, 1988. KKTU opposed that application. KKTU Petition to Deny, filed April 8, 1988. The Staff denied KOAA-TV's application. tv USA/Pueblo Ltd., 4 FCC Rcd 598, 65 RR 2d 1550 (M.M.B. 1989) The Commission affirmed that denial. tv USA/Pueblo Ltd., 5 FCC Rcd 7457, 68 RR 2d 1086 (1990).

19. Now KOAA-TV is back with a new scheme: it is preparing to exchange channels with USC to obtain the result the Commission denied previously -- increased coverage of Colorado Springs. This time, KOAA-TV is attempting to rely upon a public interest determination made by the Commission on behalf of a noncommercial station to gain a waiver of the rules for its own commercial station.

20. In the KPCS assignment of construction permit proceeding, KOAA-TV repeatedly described the inadequacy of its signal coverage of Colorado Springs. tv USA/Pueblo Ltd., 65 RR 2d at 1550. USC has also stated that the signal coverage of KOAA-TV suffers the same problems as the KTSC signal from the Baculite Mesa site. Exhibit 1, USC Amendment at 2. Now however, USC has announced that it will abandon the signal improvement allowed by the Commission in the above-captioned construction permit and will, instead, operate from what KOAA-TV and USC both state is an inadequate site on Baculite Mesa. USC Press Release at 1-2. USC's abandonment of its request for signal improvement for KTSC leaves the instant modification application with no basis for being granted.

21. In fact, the sequence of events strongly suggests that KOAA-TV and USC may have planned to enter into the arrangement announced in the press release at sometime before the filing of the KTSC modification application or at sometime while that application was still pending before the Commission.

22. On July 23, 1990 KOAA-TV filed a Form 307 application for extension of its construction permit for television translator station K15BX, Colorado Springs, Colorado. In Exhibit 1 to its application, KOAA-TV stated that:

SCC [KOAA-TV] has recently completed negotiations with the University of Southern Colorado, licensee of Television Station KTSC, Pueblo, Colorado, looking toward construction and use of K15BX to rebroadcast KTSC's signal during a period prior to resolution of the status of KPSC(TV). It is thus anticipated that K15BX will be constructed and operated for the retransmission of KTSC in the near future.

KOAA-TV, Form 307, Exhibit 1, page 3, attached as Exhibit 5.

23. On July 24, 1990, KOAA-TV filed a Form 346 application for a major modification of the K15BX construction permit. The application proposed a change of the translator antenna and a change of the input channel from channel 5 to channel 8, to reflect that the translator would rebroadcast KTSC rather than KOAA-TV. Attached to the Form 346 application was a copy of a letter agreement dated June 22, 1990 between KOAA-TV and USC. In that agreement, KOAA-TV agreed to allow USC, at USC's own expense, to build and operate facilities to rebroadcast the KTSC signal on the K15BX translator. The agreement added that:

At such time as KTSC receives approval to move its Channel 8 facility to Cheyenne Mountain and it begins broadcasting from there, the parties agree to confer on the best public interest use of Channel 15, provided, however, that SCC shall have the sole and independent authority to make the final determination with respect thereto.

KOAA-TV, Form 346, June 22, 1990 Letter Agreement, page 3, attached as Exhibit 6.

24. On January 21, 1991 KOAA-TV filed another Form 307 application seeking an additional extension of the K15BX construction permit. In that application, KOAA-TV reported that it was rebroadcasting the signal of KTSC. KOAA-TV, Form 307, Exhibit 1, attached as Exhibit 7.

25. As summarized previously, USC filed its above-captioned modification application for Channel 8 on January 22, 1990. The Chief, Video Services Division did not approve the application until February 28, 1991. KOAA-TV and USC reached an agreement for KTSC to be rebroadcast on the KOAA-TV translator on July 22, 1990,

and KTSC was being rebroadcast on the KOAA-TV translator by January 21, 1991.

26. This clearly demonstrates that KOAA-TV and USC were engaged in substantive discussions about their respective signal enhancement desires during this period of time. The June 22, 1990 agreement for the rebroadcast of KTSC on the K15BX translator specifically discusses the then-pending USC application to move the Channel 8 transmitting facilities to Cheyenne Mountain. Given KOAA-TV's long history of attempting to obtain a transmitter site on Cheyenne Mountain, it is reasonable to believe that a possible channel exchange was discussed during this time period. USC has been silent on the issue of whether the discussions of their respective signal enhancement desires also included discussions of the possible channel exchange. The timing of the USC modification application and the subsequent channel exchange petition provide a strong basis for concluding that such discussions and a possible agreement occurred prior to the filing of the above-captioned USC application, or, at least, before it was approved.

27. If such an agreement was reached, USC had an obligation to advise the Commission of the agreement within 30 days after the agreement was reached. Failure to advise the Commission of this material change in the facts supporting its application is a clear violation of Section 1.65 of the Commission's Rules. The need to avoid such manipulation and abuse of the Commission's rules is a separate ground justifying the issuance of the requested Order to Show Cause.



28. KOAA-TV cannot apply for the modification at issue in this proceeding until after it has gone through a rulemaking proceeding to determine whether it is in the public interest for dereservation of the Channel 8 frequency from noncommercial use and reservation of the Channel 5 frequency for noncommercial use. Amendments to the Television Table of Assignments to Change Noncommercial Educational Reservations, 59 RR 2d 1455, 1461-1464 (1986). KOAA-TV and USC filed a petition for such a rulemaking. Petition for Issuance of Notice of Proposed Rulemaking to Exchange Channels, filed by KOAA-TV and USC, September 8, 1992. That petition has not yet been released for public comment. KOAA-TV cannot request a modification of the Channel 8 license to operate from the short-spaced site until the requested rulemaking proceeding has been concluded in KOAA-TV's favor approving the channel exchange.

29. KOAA-TV cannot be allowed to evade this requirement by using USC to seek, for KOAA-TV's sole benefit, the short-spacing waiver KOAA-TV would be required to seek at a later time. The Commission cannot allow KOAA-TV to circumvent the Commission's rules by using a noncommercial station as its "stalking horse" to obtain a waiver of the rules, which waiver will never be used by the noncommercial station and will be used only to benefit KOAA-TV.

#### IV. CONCLUSION

30. USC obtained a construction permit for a short-spaced site on Cheyenne Mountain, which USC alleged would be used by KTSC. The Commission does not favor the creation of new short-spacings, and will only permit a television station to move from a fully-space site to a short-spaced site upon a strong public interest showing. The public interest showing made by USC was that KTSC would be operated as a noncommercial station serving the public in the Colorado Springs area where the KTSC signal is alleged to be inadequate. USC has now publicly stated that it has completely abandoned its plan to operate KTSC from the short-spaced Cheyenne Mountain site. Thus, USC has no intent to provide the sole public service benefit the Commission relied upon in granting the short-spaced construction permit. This alone warrants issuance of the requested Order to Show Cause.

31. In addition, there is clear evidence that USC may have abandoned any intent to operate KTSC from Cheyenne Mountain while its application for the construction permit was pending. This would be a clear violation of Section 1.65 of the Commission's Rules. This is a separate basis for issuing the requested Order to Show Cause.

WHEREFORE, KKTV requests that the Commission issue an Order to Show Cause directing USC to show why an order of revocation should not be issued revoking the above-captioned construction permit.

Respectfully submitted,

KKTV, INC.

By: 

James L. Winston  
Walter E. Diercks  
Rubin, Winston, Diercks, Harris  
& Cooke  
1730 M Street, N.W.  
Suite 412  
Washington, D.C. 20036  
(202) 861-0870

December 4, 1992

**EXHIBIT 1**

REC'D MASS MED BUR

RECEIVE

MAR 9 1990

MAR 8 - 1990

**AMENDMENT**

Federal Communications Co  
Office of the Secre

The application of the University of Southern Colorado for a construction permit to improve the facilities of noncommercial educational television station KTSC-TV, Pueblo, Colorado (File No. BPET-900122KE) is hereby amended by the submission of the attached "Amendment to Request for Waiver".


Respectfully submitted

UNIVERSITY OF SOUTHERN COLORADO

By

  
President, University of Southern Colorado

By

  
Tom Aube, Chief Engineer

March 7, 1990

## AMENDMENT TO REQUEST FOR WAIVER

This Amendment is submitted in order to clarify and embellish the request for waiver of the requirements of Section 73.610(b) of the Commission's Rules which is contained in Exhibit E-1A. This Amendment addresses the public interest considerations and other matters which support the waiver request, particularly in light of the formal opposition of MST which was filed on February 26, 1990.

The background of the current proposal is of extreme significance. The purpose of this proposal is to provide an adequate signal for the residents of Colorado Springs and its surrounding area from Station KTSC-TV, which is licensed to Pueblo. Pueblo and Colorado springs are considered a hyphenated market (the 99th major market) in the Arbitron listings (see, e.g., Broadcasting Yearbook '89, page C-157). More significantly, Colorado Springs is part of the area which the University of Southern Colorado was created to serve, not only by its broadcast station, but also by the various educational and outreach services which the University provides to that area of the State of Colorado.

The signal of Station KTSC-TV, with its present authorized facilities, partly because of the nature of the intervening terrain, is clearly inadequate to serve Colorado Springs. For this reason, the University has for a number of years operated a translator on Channel 53 to provide such service. The programming of Station KTSC-TV, during this period, has included numerous programs which dealt with Colorado Springs' issues and interests and which featured residents of Colorado Springs.

Unfortunately, the Commission has authorized a new full-power television station to operate on Channel 53 at Castle Rock, Colorado. When this station commences service, the Channel 53 translator will be forced to cease operation. When this prospect became known, the university conducted a thorough search for another UHF channel on which its translator could be operated. There are no such channels available. The University thereupon sought to inaugurate a rule making proceeding to allocate Channel 66 at Colorado Springs on a reserved basis. This effort also failed because the proposal violated the existing major market television freeze. The rule making was sought only after the University had determined that no UHF channel was available at or near Colorado Springs for the creation of a full-power satellite of Station KTSC-TV.

The University was thus confronted with the impending loss of the service which it has provided to Colorado Springs, and the financial support from Colorado Springs residents which is of significant importance to the entire broadcast operation. The instant application appears to provide the only possible mechanism

for the University to achieve its basic mission to provide educational service to all of the people of this area.

To serve the Colorado Springs and Pueblo markets with a VHF television signal there are only three site locations that can be considered, because of the local zoning restriction. The first site is the present transmitter site located on Baculite Mesa. This site does not allow sufficient signal penetration to provide adequate signal to the Colorado Springs market. Both Station KOAA-TV, Channel 5, and Station KTSC-TV share this site. Both KOAA and KTSC-TV have had to operate translator stations from Cheyenne Mountain to serve the Colorado Springs market.

The second site is a 1300-foot tall tower site located approximately 8 miles north of the Baculite Mesa site and approximately 1/2 mile south of the El Paso County line. The City of Colorado Springs is approximately 500 feet higher in elevation than the tall tower site. The distance from the tall tower site to the center of Colorado Springs is approximately 30 miles. The site is not acceptable for two reasons -- first, the distance and elevation differences from Colorado Springs will prevent a signal from this site to be received by the heavily populated areas located behind the many ridges that are a part of the Colorado Springs area; and, second, the fact that a very strong signal would be bounced off of Pikes Peak which is located west of Colorado Springs and received in Colorado Springs, would cause very bad ghosting of that signal in the Colorado Springs area. Even at its present location, Station KTSC's Channel 8 signal in Colorado Springs is very bad in some areas of the city because of this problem. Moving the transmitter and antenna closer to the mountain will only intensify the ghosting problem.

The Cheyenne Mountain site, therefore, is the only adequate site in the area. The antenna pattern has been carefully chosen so that no signal will be radiated toward Pikes Peak and because of the elevation of the site compared to Colorado Springs, a signal will be provided to the heavily populated ridges.

The only disadvantage of the Cheyenne Mountain site would be the high cost of the rent the University will have to pay but, it believes, as all of the renters on Cheyenne Mountain, that it is the only site that will provide the needed location.

**EXHIBIT 2**



Km-

FCC MAIL SECTION FCC MAIL SECTION  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

MAR 12 2 05 PM '91 MAR 12 12 11 PM '91

FEB 28 1991

BY DISPATCHED BY

IN REPLY REFER TO:

8940-MLB

Thomas Aube  
University of Southern Colorado  
2200 Bonforte Blvd.  
Pueblo, CO 81001

Re: Station KTSC(TV)  
Pueblo, CO  
BPET-900122KE

Dear Mr. Aube:

This is with respect to the above-captioned application of the University of Southern Colorado (University) for a modification of licensed facilities for noncommercial educational Station KTSC(TV), Channel 8, Pueblo, Colorado. Your application is opposed by the Association for Maximum Service Telecasters, Inc. (AMST), which filed an informal objection on February 26, 1990.

Your present transmitter site is located on Baculite Mesa, approximately eight miles north of Pueblo. Although Colorado Springs lies partly within the station's predicted principal community contour, intervening terrain prevents an adequate signal from reaching that community. Coverage of that community is important, you state, because of the various educational and outreach services the University offers there. Thus, until August 1990 you had utilized a television translator on Channel 53 to provide service to Colorado Springs, until forced off the air by a new full-power station on that channel. You state that you have been unable to find a new channel on which your translator could operate and that your modification application is an effort to find a site which could serve both Pueblo and Colorado Springs. You now propose to construct a tower on Cheyenne Mountain in an antenna farm southwest of Colorado Springs. That site is 296.1 kilometers (184.0 miles) from co-channel Station KJCT(TV), Grand Junction, Colorado, and 291.9 kilometers (181.4 miles) from the reference point for a co-channel allocation in Laramie, Wyoming. Section 73.610(b) requires a minimum separation of 304.9 kilometers (189.5 miles) in this part of the country. Accordingly, your proposed site is 8.8 kilometers (5.5 miles) short-spaced to Station KJCT(TV) and 13.0 kilometers (8.1 miles) short-spaced to the Laramie allocation. Accordingly you request waiver of the Rule. You also seek waiver of Section 73.685(e) of the Rules because the ratio of the maximum-to-minimum radiation of your proposed directional antenna would exceed 10 dB.

In support of your waiver request of Section 73.610, you argue that there are only three sites at which you could locate and provide a predicted signal to both Pueblo and Colorado Springs without running afoul of local zoning restrictions. The first is your present site, but you argue that intervening terrain prevents a viewable signal from reaching Colorado Springs. The second potential site is approximately eight miles north of your current site; however, operation from that site would result in severe ghosting. The third site is Cheyenne Mountain, which you have proposed. You state that the terrain

north and west of the proposed site is mountainous towards both Grand Junction and Laramie and that no objectionable interference would result. Additionally, you contend that you will afford equivalent protection to the Grand Junction station and a future co-channel station in Laramie.

In opposition, AMST argues that you have not made the threshold showing that no fully spaced sites, including its present site, are available. It further asserts that you have not made a compelling public interest justification necessary for waiver of the Rules.

After careful review of your application, we are persuaded that grant of your waiver requests would serve the public interest. The Commission is mindful of the unique role played by many noncommercial television stations in providing public television service to wide areas. You have established that the University serves both the Pueblo and Colorado Springs areas and that it is therefore important that your television station do so as well. You have unsuccessfully attempted to find another translator to serve Colorado Springs, and it would not be possible at this time to seek a new television channel, since there is currently a freeze on the filing of new applications in that part of the country. Further, it does not appear that you could modify the facilities of your current site sufficiently to provide a viewable signal in Colorado Springs. Consequently, your only alternative is to seek a new site, and we believe that you have demonstrated the unsuitability of any other sites from which you could serve both communities. We further note that, while there would be some loss areas to the south and east of Pueblo, these areas are largely unpopulated. Additionally, we agree that the mountainous terrain and your offer to reduce effective radiated power to the north and west would greatly reduce the possibility that objectionable interference to the Grand Junction station or to a future station in Laramie would occur. Finally, we note that Station KJCT(TV) in Grand Junction has not opposed your proposal. Therefore, we believe that waiver of Section 73.610 is warranted. We will also grant your request for waiver of Section 73.685, because the directional antenna pattern you propose would minimize the potential for ghosting. Additionally, that antenna pattern will enable you to provide the equivalent protection mentioned above.

Accordingly, for the reasons stated above, the informal objection filed by AMST IS DENIED, your requests for waiver of Sections 73.610 and 73.685 ARE GRANTED, and your application to modify the station's facilities IS GRANTED subject to the following conditions:

The maximum visual effective radiated power at azimuth 348 degrees True toward the Channel 8 allocation for Laramie, Wyoming, shall not exceed 21.3 dBk (135 kW).

The maximum visual effective radiated power at azimuth 278 degrees True toward Station KJCT(TV), Grand Junction, Colorado, shall not exceed 22.0 dBk (158 kW).

The application for license shall include:

- a. Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.
- b. Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuth toward the Channel 8 allocation in Laramie and toward Station KJCT(TV).
- c. An affidavit by a qualified and licensed surveyor that the proper azimuthal orientation of the transmitting antenna achieves radiation limitations prescribed above for the Channel 8 allocation in Laramie and Station KJCT(TV).

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Wayne Coy, Jr., Esq.  
William H. Fitz, Esq.

**EXHIBIT 3**

FOR FURTHER INFORMATION

Sally McGill  
Director

Sept. 3, 1992

## KTSC-TV, KOAA-TV EXCHANGE CHANNELS

### FOR IMMEDIATE RELEASE

PUEBLO, Colo. -- Officials at KTSC-TV (Channel 8), the public broadcasting television station licensed to the University of Southern Colorado, and KOAA-TV (Channels 5 and 30) have agreed to exchange channel frequencies.

John O. Gilbert, KOAA-TV president and general manager, said his television station, Sangre de Cristo Communications, Inc., will pay KTSC-TV \$1 million in cash in exchange for the Channel 8 signal. The two stations also will exchange equipment which will result in a net gain for KTSC-TV of approximately \$250,000.

KTSC-TV will receive KOAA-TV's dual main transmitter which currently serves Pueblo and dual translator which currently serves Colorado Springs.

Today USC's governing board, the State Board of Agriculture, approved the plan. Final approval authority, however, rests with the Federal Communications Commission.

Greg Sinn, KTSC-TV general manager, said he is delighted with the proposition.

- more -

"In my opinion," Sinn said, "John Gilbert and the staff of KOAA-TV have shown extraordinary support and professional consideration for public broadcasting in Southern Colorado.

"Because of the particular situations and needs of both stations," he explained, "the exchange ultimately will help both stations reach broader audiences with stronger signals."

In 1991, the FCC approved a plan for KTSC-TV to move its VHF signal to Cheyenne Mountain. However, the university has been unable to build the necessary transmission facilities there.

Acquiring KOAA's double translator in Colorado Springs would help KTSC-TV meet the objective to enhance service to the viewing area, and acquiring KOAA's double transmitter in Pueblo would strengthen KTSC-TV's signal and reliability in its primary service area.

Sinn said \$150,000 of KOAA's payment for the exchange would be used to expand KTSC-TV broadcasts to Durango and Grand Junction, two areas which currently are not served by public broadcast television.

The university intends to use the remaining \$850,000 of KOAA's cash payment to fund an endowment for KTSC-TV program acquisition and development. Sinn said the FCC will require that the funds from the exchange transaction be dedicated to public broadcasting.

KOAA-TV intends to invest \$2,000,000 in new equipment and a new Channel 8 transmitter and antenna. The station also will build an installation on Cheyenne Mountain, where Channels 11, 13 and 21 currently have their transmitters and antennas.

KTSC-TV, KOAA-TV -3-

The new Channel 8 signal from Cheyenne Mountain will improve KOAA-TV's television picture quality in Colorado Springs and maintain a quality picture in Pueblo and Southern Colorado.

Gilbert said that, since 1976 when he moved to Southern Colorado and began to manage the station, he and the KOAA-TV staff have invested a tremendous, continual effort and dedication to improving the station's service for its viewers.

Additionally, the station's corporation has invested \$4.5 million in capital improvements to upgrade KOAA-TV's broadcasting facilities.

"KOAA-TV's news, community involvement and programming have received literally hundreds of awards for excellence," Gilbert noted.

In June 1992, the Colorado Broadcasters Association presented KOAA-TV with the Television Station of the Year award for the fifth consecutive year.

Gilbert said the exchange of Channels 5 & 30 for Channel 8 is one more significant effort to continue improvement of KOAA-TV's service to the Colorado Springs/Pueblo market.

He said Cohn & Dippell, a Washington, D.C. consulting engineering firm, is in charge of the engineering involved in the channel exchange, the Channel 8 installation on Cheyenne Mountain, and the installation of new translators in Southern Colorado to expand KTSC-TV's service area.

###

**EXHIBIT 4**





# PUBLIC NOTICE

Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

New media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

24700

REPORT NO. 15344

BROADCAST ACTIONS

September 8, 1992

STATE	FILE-NUMBER	CALL-LETTERS	APPLICANT + LOCATION	NATURE OF APPLICATION
-------	-------------	--------------	----------------------	-----------------------

THE COMMISSION, BY ITS MASS MEDIA BUREAU, ON AUGUST 27, 1992, GRANTED THE FOLLOWING APPLICATIONS FOR RENEWAL OF LICENSE INCLUDING SUBSIDIARY COMMUNICATIONS AUTHORITY (BACKGROUND MUSIC, ETC.), WHERE APPLICABLE:

CA BRED	-900731YV	KCPB	UNIVERSITY OF SOUTHERN CALIFORNIA	THOUSAND OAKS , CA	NON-COMMERCIAL EDUC. FM RENEWAL OF LICENSE
CA BRH	-900801YX	KGB-FM	KGB, INCORPORATED	SAN DIEGO , CA	FM STATION RENEWAL OF LICENSE
GA BR	-881129VU	WDAX	WDAX, INC.	MCRAE , GA	AM STATION RENEWAL OF LICENSE

THE COMMISSION, BY ITS MASS MEDIA BUREAU, TOOK THE FOLLOWING ACTIONS EFFECTIVE ON THE DATES SHOWN

ACTION OF : FEBRUARY 28, 1991

CO BPET	-900122KE	KTSC CHAN-8	UNIVERSITY OF SOUTHERN COLORADO PUEBLO , CO	APPLICATION GRANTED TO EDUCATIONAL TV BROADCAST STATION CP TO CHG. THE ERP VIS: 233.0 KW; HAAT:727.57 METERS; TL: SW OF C.S. ATOP CHEYENNE MOUNTAIN ( 38-44-41 104-51- 37.5); ANT: JAMPRO JCR 8-8, (DA)(BT) ROBERT C. SHIRLEY, ESQ. *THIS APPLICATION IS GRANTED WITH CONDITIONS.(SEE FCC'S AUTHORIZATION FORM 352-A FOR CONDITIONS OR RESTRICTIONS)
---------	-----------	----------------	--	--